

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, October 5, 2004, the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner (via telephone)
Jay Stovall, Commissioner

APPEARANCE

Dave Burchett
Utility Division

(392) In the matter of Montana-Dakota Utilities - Docket No. N2004.8.134: On August 17, 2004, Montana-Dakota Utilities (MDU) filed a request for Contract Service – Rural Water System Rate 36 and the Electric Service Agreement between MDU and Dry Prairie Rural Water Authority (Dry Prairie). MDU requests permission to remove the generation costs from its Large General Service Rate 30 and issue this new Rate 36. The demand charge is reduced from \$4.99 per kw to \$4.17 and the energy charge is reduced from and average charge of 3.550 ¢ per kwh to 2.040 ¢ per kwh. This request is being made due to a Federal Mandate.

Commissioner Stovall moved to approve MDU's request. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Scott Fabel
Utility Division

(393) In the matter of CenturyTel of Montana - Docket No. N2004.8.132: On August 17, 2004, CenturyTel filed Tariff Transmittal No. 2004-04. In this filing CenturyTel is renaming Schedule 31 from 'Emergency Number Service (911)' to 'Emergency Communications Services'. Also, two new service offerings are to be added to the schedule: Enhanced Universal Emergency Number Service (E9-1-1) and Emergency Notification Service.

Commissioner Schneider moved to approve Tariff Transmittal No. 2004-04. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(394) In the matter of TN2235: C B Geier, Helena, Montana requests permission to lease PSC No. 3584 to Tiger Express LLC, Helena, Montana for a twelve months, October 5, 2004 to October 5, 2005.

Commissioner Schneider moved to approve PSC Lease No. 3584 to Tiger Express LLC. Commissioner Stovall seconded the motion, which passed unanimously.

(395) In the matter of the approval of Commission Minutes:

Commissioner Jergeson moved to approve the Commission Minutes for the week of September 27, 2004.
Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel, Legal Division
Gary Duncan, Utility Division

(396) In the matter of the Commission's discussion of Amendments to Interconnection Agreements for Qwest, 3 Rivers, ICG Telecom group, DIECA (Covad), Multiband Communications, McLeod, Vivid Networks, and AT&T Communications - Dockets D2002.2.24, D2002.7.84, D99.3.68, D99.10.240, D2001.1.7, D2003.2.18, D2004.6.89, and D2004.4.66:

Commissioner Schneider moved to approve the amendment to the Interconnection Agreement between Qwest and AT&T Communications, Docket No. D2004.4.66. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Brainard moved to approve the amendment to the Interconnection Agreement between Qwest and Vivid Networks, Docket No. D2003.2.18. Commissioner Stovall seconded the motion, which passed 5-0.

Commissioner Schneider moved to approve the amendment to the Interconnection Agreement between Qwest and Multiband Communications, Docket No. D99.10.240. Commissioner Brainard seconded the motion, which passed 5-0.

Commissioner Brainard moved to approve the amendment to the Interconnection Agreement between Qwest and ICG Telecom, Docket No. D2002.7.84, subject to application of change in law provisions as necessary. Commissioner Schneider seconded the motion, which passed 5-0.

Commissioner Brainard moved to approve the amendment to the Interconnection Agreement between Qwest and 3 Rivers, Docket No. D2002.2.24. Commissioner Schneider seconded the motion, which passed 5-0.

Commissioner Schneider moved to approve the amendment to the Interconnection Agreement between Qwest and McLeod, Docket No. D2001.1.7. Commissioner Stovall seconded the motion, which passed 5-0.

Commissioner Brainard moved to approve the amendment to the Interconnection Agreement between Qwest and DIECA (Covad), Docket No. D99.3.68, subject to Qwest compliance with all service quality rules and regulations. Commissioner Stovall seconded the motion, which passed 5 to 0.

Commissioner Schneider moved to approve all three amendments to the Interconnection Agreements between Qwest and DIECA (Covad), Docket No. D2004.6.89, subject to Qwest compliance with all service quality rules and regulations. Commissioner Stovall seconded the motion, which passed 5-0.

APPEARANCE

Monica Tranel

(397) In the matter of the Commission's discussion of Qwest Motion to Dismiss - Docket No. D2004.7.119:

Commissioner Schneider moved to grant AT&T's motion to intervene on the issue of whether such agreements need to be filed under §252. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Schneider moved to accept staff recommendation to treat the MCI agreement as a 252 filing, to reject Qwest's motion to dismiss, and to treat the commercial agreement as a 252 filing. Commisisoner Brainard seconded the motion, which passed 4 to 1. Commissioner Rowe voted nay.

(398) In the matter of the Commission's discussion of Commercial/Interconnection Agreements on Qwest Corp., MCI, Granite Telecommunications, and New Access - Docket No's. D2004.7.119, D2004.8.140 and D2004.9.147:

Commissioner Schneider moved to accept the New Access, Granite Telecommunication Qwest filings under Docket No. D2004.8.140 and D2004.9.147 as Interconnection agreements under §252 and notice for comment. Commissioner Brainard seconded the motion, which passed 4 to 1. Commissioner Rowe voted nay.

APPEARANCE

Kim Moran, Utility Division
Martin Jacobson, Legal Division

(399) In the matter of the Commission's discussion of EAS applications for Ronan Telephone Co. Telephone Co. - Docket No D2004.2.17:

Commissioner Schneider moved to approve Ronan's EAS application, rejecting the proposed senior discount and accepting the alternative rate design. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Administrator, Legal Division

(400) In the matter of the Commission's discussion of the revisions to protective order rules per Great Falls Tribune - L-04.7.2-RUL:

Commissioner Schneider moved to adopt and notice the rules as drafted for filing with the Secretary of State's Office Friday, October 8, providing that substantive issues are not raised by staff. Commissioner Stovall seconded the motion, which passed 4 to 0. Commissioner Jergeson later voted yea, making the vote unanimous.

APPEARANCE

Al Brogan
Legal Division

(401) In the matter of the Commission's discussion of AARP Petitions for Late Intervention in NWE's jointly administered tracker dockets - D2004.6.90 and D2003.6.77:

Commissioner Schneider moved to grant AARP's petitions for late intervention. Commissioner Stovall seconded the motion, which passed 4 to 0. Commissioner Jergeson later voted yea, making the vote unanimous.

APPEARANCE

Martin Jacobson, Legal Division

Tina Shorten, Utility Division

(402) In the matter of the Commission's discussion of Robinson v. MDU - Docket No. D2004.9.156:

Commissioner Schneider moved to issue a notice of complaint to MDU. Commissioner Rowe seconded the motion, which passed 4 to 0. Commissioner Jergeson later voted yea, making the vote unanimous.

APPEARANCE

Martin Jacobson

(403) In the matter of the Commission's discussion of MITS and MTA Petition for ETC Rulemaking - Docket No. D2004.2.23, L-04.07.5-RUL:

Commissioner Brainard moved to issue a notice of proposed rulemaking concerning ETC standards. Commissioner Stovall seconded the motion. Commissioner Brainard withdrew his motion.

APPEARANCE

Al Brogan

(404) In the matter of the Commission's discussion of MSWC & BFI - Complaint against MacKenzie Disposal, Inc. - Docket No. T-00.4.COM:

Commissioner Stovall moved to adopt the proposed order as the Commissions' final order, striking paragraph 158-160, and paragraph 195, and inserting language concerning justification to the treatment of annual reports, the use of the lose it or lose it provision in transfer years. Commissioner Brainard seconded the motion, which passed 3-1. Commissioner Schneider voted nay. Commissioner Jergeson later voted yea, making the vote 4-1.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)